



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

Sep 5, 2008

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KIRK E. BINTZLER,
Petitioner,

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

V.

Case No. 08-C-1293 08cv1293
Before Judge Kendall

UNITED STATES PAROLE COMM.
Respondent.

RENEWED MOTION FOR APPOINTMENT OF COUNSEL AND OR ALLOWANCE
OF APPEARANCE: ATTORNEY DANIEL J. HESLER

Comes, now petitioner Kirk Bintzler, pro se and hereby moves
the court to allow the appearance/appointment of Attorney Daniel J.
Hesler of the Chicago Federal Defender Program in the interest of
Justice and judicial economy upon the following cause:

- (1). The responsive pleading and related reply entail disputed material facts which will require the court to hold an evidentiary hearing pursuant to JOHNSON V. HOLLEY, 528 F. 2d 116 (7th Cir. 1975) as to whether or not the Marshal's Service for the E.D. of Wisconsin pursuant to Parole Commission directive executed the Parole Commission's warrant on 8/20/04, contrary to respondent's factual position triggering the running of pet. sent; due process of law procedural rights.
- (2). Respondent to date continues to ignore the request for release of exculpatory documents to the pro se petitioner between Parole Comm. employees and that of Inmate Systems Management of the Federal Bureau of Prisons.
- (3). Though the record before the court displays ~~the need for~~ an order of full production of documents under the constructive controlled of respondent to petitioner to allow a full and fair hearing before the court; no order has been issued allowing pro se access.

- (4). Petitioner has filled out U.S. Parole Comm. paperwork allowing poverty representation by the federal defender's program of Chicago; and qualifies for the representation of Att. Daniel J. Hesler, who has previous federal experience representing Parolees before the U.S. Parole Commission.
- (5). Petitioner has informed the U.,S. Parole Commission that if the Commission was unwilling to use the expedited revocation procedures under 28 C.F.R. 2.67 to issue a reparole release and quash the warrant of 3/21/94, petitioner was/is demanding an immediate hearing take place at MCC with the assistance of attorney Hesler due to the fact ~~petitioner~~ is not to be removed from the court's jurisdiction during the pending habeas corpus actions in Case # 08-C-1293, N.D. of Ill., E.D. and Case # 08-1346 in the 7th Circuit Court of Appeals pursuant to Appellate Rule 23 (a) and due to health condition disallowing transfer.
- (6). Petitioner has been in contact with attorney Hesler regarding possible representation at the upcoming Parole revocation hearing as well as in the habeas matter ~~before~~ this court; Att. Hesler ~~will appear~~ once his appointment becomes formalized either by a hearing taking place at MCC Chicago, and or allowance of appointment of him by the court in 08-C-1293, to allow him to make formal appearance before the court in aid consolidation and expediting the two related proceedings in the interest of judicial economy.
- (7). The appointment or appearance of attorney Hesler will allow the court to enter an order to the U.S. Parole Commission to turn over all (not the minimal amount supplied to date by A.U.S.A. Talbert) documents between the Commission, Marshal's Service and Federal Bureau of Prisons displaying the fact the Commission ordered the Warrent's execution on 4/20/2004, and the due process of law substantive and procedural violations taking place to date by the Commission, allowing a two layered screening process to protect the integrity of the documents and the judicial process requiring full disclosure.

C O N C L U S I O N

The foregoing is more than sufficient cause for the court to issue an order of appointment (or allow appearance by) attorney Daniel J. Hesler of the Federal Defender's Program in the interest of justice and judicial economy in order to hold procedurally correct evidentiary hearing inclusive of the necessary documentation under the constructive control of the U.S. Parole Commission displaying the Commission's warrant of 3/21/94 was executed on 4/20/04, by the Marshal's Service for the E.D. Wis. Documentation which further supports petitioner release date was June 27, 2008 as set by the Federal Bureau of Prisons.

Dated 9-2 2008

Respectfully Submitted,




Kirk Bintzler, pro se

CERTIFICATE OF SERVICE BY MAIL

I Kirk Bintzler, hereby state under penalty of perjury provision of title 28 U.S.C. § 1746. I did on the date indicated by my below signature ship a true and correct copy of the foregoing renewed motion for appointment of counsel via first class postage pre-paid envelope to A.U.S.A. Pierre C. Talbert at 219 South Dearborn Street, Chicago, Illinois 60604, by depositing same into the legal mail system of MCC Chicago.

Date Sep. 2 2008

Kirk Bintzler



cc/file/Att. Hesler